IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.21709 of 2007

Dated: October 11, 2007

Between:

Gorle Appa Rao, S/o. Mutyalu, aged about 53 years,
R/o. Gopalapatnam, Visakhapatnam.

… Petitioner

And

Sub-Registrar, Bheemunipatnam,
Bheemunipatnam Mandal, Visakhapatnam
District, and another.

… Respondents

Order:

This writ petition has been filed seeking Mandamus to declare the action of the respondents in not accepting and registering the sale deed presented by the petitioner in respect of land admeasuring Ac.4.50 cents, covered by Sy.No.389/2 of Kapuluppada village, Bheemunipatnam Mandal, Visakhapatnam District as arbitrary and illegal.

2. Heard learned counsel for the petitioner and learned

Government Pleader for Revenue appearing for respondents.

3. In the affidavit filed in support of the writ petition, it is stated that petitioner is an ex-serviceman who worked for the Indian Army. In view of his contribution to the defence forces, on his application, he was assigned land admeasuring Ac.4.50 cents at the aforementioned place, by the second respondent by proceedings dated 23-12-1993. The case of the petitioner is that due to his financial needs, he wanted to sell the said land and when he presented sale deed for registration before the first respondent, the document was refused to be received and registered, on the ground that the land in question is an assigned land. Petitioner relies on G.O.Ms.No.1117 dated 11-11-1993, which entitles
ex-servicemen to sell away lands assigned in their favour after a period of ten years after the assignment. The grievance of the petitioner is that though the said G.O. entitles him to sell the land assigned to him, first respondent is not receiving the sale deed presented for registration.

4. It is evident from the material papers filed along with the writ petition that patta was granted in favour of the petitioner on 23-12-1993 in D.P.No.137/1403 and he was also described therein as Ex-military person. A perusal of the G.O. relied on by the petitioner indicates that in partial modification of the earlier orders issued in G.O.Ms.No.743, Revenue (B) Department, dated 30-04-1963, Government has clarified that ex-servicemen are free to sell away land assigned in their favour after a period of ten years after assignment.

5. As much as petitioner alleges that the first respondent has refused to receive the sale deed presented by him for the purpose of registration, and in the absence of any reasons recorded by the first

respondent for refusing to receive the sale deed, I dispose of the writ petition directing the first respondent, Sub-Registrar, Bheemunipatnam, Visakhapatnam District, to receive the document proposed to be presented by the petitioner for registration and consider the same in accordance with the provisions of the Registration Act, 1908 ('the Act' for brevity) and the rules made thereunder and also G.O.Ms.No.1117 dated 11-11-1993. Petitioner shall place a copy of the aforesaid G.O., before the first respondent. It is clarified that if there are any objections for registering the said document, it is open for him to make an endorsement to that effect, record reasons and communicate the same to the petitioner as per Section 71 of the Act. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

October 11, 2007
MRR